

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN K. VINING, et al.,

Plaintiffs,

v.

**Civil Action 2:22-cv-3105
Judge James L. Graham
Magistrate Judge Chelsey M. Vascura**

**NINEBOT TECHNOLOGY
CO. LTD., et al.,**

Defendants.

REPORT AND RECOMMENDATION

Plaintiffs' First, Second, and Third Amended Complaints each assert claims against, among others, defendants identified as "John Doe Corporation 1–3". To date, the docket does not reflect that Plaintiffs have moved to amend any of the Complaints to substitute the real name of the Doe Defendants; nor does it reflect that Plaintiffs have effected service upon them as required by Federal Rule of Civil Procedure 4(m). Accordingly, on March 20, 2023, this Court issued an order directing Plaintiff to show cause why the Court should not dismiss the Doe defendants and why the Court should allow an extension of time to effect service. (ECF No. 31.)

To date, Plaintiffs have not responded to the Show Cause Order, sought leave to amend the Complaint to substitute the real names of the Does, or effected service on the Doe defendants. It is therefore **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** against John Doe Corporation 1–3 pursuant to Rule 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A District Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a District Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ *Chelsey M. Vascura*
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE